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IN THE

Supreme Court of the United States

SITTING IN EQUITY.

No. 23 Orig. TERM, 1919.

THE COMMONWEALTH OF PENNSYLVANIA, Complainant,

vs.

THE STATE OF WEST VIRGINIA, Defendant.

Motion for Preliminary Injunction.

WILLIAM I. SCHAFFER,
Attorney General of Commonwealth of Pennsylvania.

WILLIAM I. SCHAFFER,
A. LEO. WEIL,
Of Counsel.

James McMillin Printing Company, Penn Ave. and Barbeau St., Pittsburgh, Pa.

IN THE

Supreme Court of the United States

SITTING IN EQUITY.

No. ..... Term, 1919.

Between

THE COMMONWEALTH OF PENNSYLVANIA, Plaintiff,

and

THE STATE OF WEST VIRGINIA, Defendant.

MOTION FOR PRELIMINARY INJUNCTION.

If this Court, in accordance with the motion made on May 5th instant, orders filed the Bill of Complaint in the above stated suit, then Complainant prays that, pending adjudication by this Court, on the prayers of said Complaint, the enforcement of the statute in controversy be enjoined since the operation thereof will prohibit the transportation of natural gas from West Virginia into Pennsylvania, Ohio, and other States, and will:

(a) Endanger the lives and affect the health of millions of the citizens of said States;

(b) Deprive them of comfort and convenience;

(c) Entail upon them great hardship and suffering;

(d) Cause them enormous property losses;

(e) Cause complainant great pecuniary damages;

and to avoid these calamities pending adjudication Complainant prays that a preliminary injunction issue, as prayed for in said Bill of Complaint, to enjoin the enforcement of said statute until after this Court shall have decided whether or not said statute shall go into effect.

Complainant has filed in support of this motion certain affidavits and refers to the averments of said Bill of Complaint and the Resolution of the Legislature.

COMPLAINANT STATES AS FURTHER REASONS WHY SAID PRELIMINARY INJUNCTION SHOULD ISSUE, THE FOLLOWING:

1st. Fuel for the kitchen and home must be assured. The householder cannot wait upon uncertainties, e. g. until the gas is cut off or so greatly reduced in volume as to be practically useless. He dare not take that risk. Without said injunction he must therefore provide for other fuel, before his rights are determined.

2nd. The same is true of the industrial consumers, but as to them money only is involved, while with the domestic consumer life and health are also involved.

3rd. If these changes in fuel appliances are once made, return to the use of gas can only be by destroying these new appliances and reinstalling gas-burning appliances.

4th. The cost of these perhaps unnecessary changes, depending on this Court's adjudication, aggregates a stupendous sum—hundreds of millions of dollars.

5th. These changes when made will so reduce the demand upon the natural gas companies that it will destroy their business and render their plants of little value.

6th. When the change is made a readjustment of the domestic economy becomes necessary; this social revolution should only be entered upon when it becomes imperative.

7th. These direful effects upon life, health, comfort and convenience of millions of citizens and losses to property rights of hundreds of millions of dollars, should not be permitted until adjudication by this Court holds that such ills and losses imposed by a State mistakenly pursuing its imaginary self interest must be necessarily suffered under our constitutional form of government in the interests of society and as a burden to be borne to maintain social order and State rights.

Copies of the Bill of Complaint, motion for leave to file the same, and the memorandum brief in support of said motion, copies of this motion for a preliminary injunction, and of the affidavits in support thereof, have been served upon the Governor and Attorney General of the State of West Virginia on May 9th instant; also notice that this motion for a preliminary injunction and said supporting affidavits will be presented to this Court on May 19th instant.

COMMONWEALTH OF PENNSYLVANIA,

By W. I. SCHAFFER,

Attorney General.

W. I. SCHAFFER,

A. LEO. WEIL,

Of Counsel.